

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARTHOLOMEW L. JONES,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

Case No. C21-1334-BJR-SKV

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION WITHOUT
PREJUDICE

This matter comes before the Court on a Report and Recommendation by the Honorable S. Kate Vaughan, U.S. Magistrate Judge, that recommends dismissal of this action without prejudice for failure to state a viable claim for relief. Dkt. No. 10.

On November 2, 2021, Magistrate Judge Vaughan issued an order that: (1) declined to order service of either of the two complaints that Plaintiff has filed in this matter; and (2) granted Plaintiff leave to file an amended complaint. Dkt. No. 9. This order identified a number of deficiencies in Plaintiff's complaints, and provided Plaintiff with 30 days to file an amended complaint that addressed these deficiencies. The order specifically informed Plaintiff that if he did not file an amended complaint in a timely manner, Magistrate Judge Vaughan would recommend that this action be dismissed without prejudice.

ORDER - 1

1 This order was mailed to Plaintiff at his address of record at the King County Jail. There
2 is no indication in Court records that this order was returned to the Court as undeliverable to
3 Plaintiff. Nonetheless, Plaintiff failed to file an amended complaint or to otherwise respond to
4 the order.

5 As a result, Magistrate Judge Vaughan issued a Report and Recommendation on January
6 31, 2022, that recommends dismissal of this action without prejudice. Court records indicate that
7 the Report and Recommendation was mailed to Plaintiff on January 31, 2022, at his address of
8 record at the King County Jail, but was returned to the Court as undeliverable by the U.S. Postal
9 Service on February 26, 2022. Plaintiff has not provided notice of a change of address to the
10 Court as required by Local Civil Rule 10(f), nor has he filed objections to the Report and
11 Recommendation.

12 At this point, Plaintiff has had more than ample time to: (1) file an amended complaint to
13 address the deficiencies in his complaints, as noted in Magistrate Judge Vaughan's order of
14 November 2, 2021; and/or (2) notify the Court of any change of his address, as required by Local
15 Civil Rule 10(f). Plaintiff has not taken either of these steps. Therefore, the Court finds and
16 ORDERS as follows:

17 (1) The Report and Recommendation (Dkt. No. 10) is approved and adopted.

18 (2) This action is DISMISSED without prejudice, pursuant to 28 U.S.C. §
19 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B), for failure to state a viable claim for relief under 42
20 U.S.C. § 1983. This dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g).

1 (3) The Clerk is directed to send copies of this Order to Plaintiff at his address of
2 record and to the Honorable S. Kate Vaughan.

3 DATED this 18th day of March, 2022.

4
5 

6 Barbara Jacobs Rothstein
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23